

REMARKS

Reexamination and reconsideration of this application in view of the amendment to the claims and the following remarks is respectfully requested. By this amendment, claims 1, 13, 25 and 29 are amended, no claims are canceled, and no new claims are added. After this amendment, claims 1-9, 11-21, 23-31 and 33 remain pending in this application.

An interview of record was held on March 5, 2008, in which the Examiner stated that she would amend independent claims 1, 13, 25 and 29 by way of an Examiner's Amendment, and then allow all pending claims of the application.

The Applicants have received an Interview Summary (Form PTOL-413) prepared by the Examiner. The Applicants agree with the substance of the Interview Summary prepared by the Examiner. However, the Applicants believe that an Interview Summary, prepared by the Applicants, may be required in order to fully comply with a strict interpretation of the requirements of MPEP ¶713.04 and 37 CFR §1.133. Therefore, please see the Applicants' Interview Summary, hereinbelow.

The Applicants have also received a Notice of Allowance and Fee(s) Due (Form PTOL-85); however, no Examiner's Amendment included therewith nor found on the PAIR system. The Applicants thank the Examiner for allowing all pending claims, 1-9, 11-21, 23-31 and 33. However, the Applicants believe that a Response to the Office Action of February 12, 2008 should be filed to complete the record and to formally amend the claims as agreed in the interview of March 5, 2008. Therefore, the Applicants are hereby filing this Response.

Claim Rejections - 35 USC §112

Reconsideration of the rejection of claims 1-9, 11-21 and 23-31 and 33 under 35 U.S.C. §112, second paragraph, is respectfully requested in view of the amendments to independent claims 1, 13, 25 and 29.

The amendments to independent claims 1, 13, 25 and 29 indicated in the Listing Of Claims set forth hereinabove is identical to the amendments discussed in the interview of record that was held on March 5, 2008. No new matter was added.

Accordingly, the Applicants respectfully suggest that the rejection of claims 1-9, 11-21 and 23-31 and 33 under 35 U.S.C. §112 has been overcome and should be withdrawn.

Interview Summary

The Applicants hereby provide a summary of substance of interview of record.

The following information is provided to comply with the applicable requirements of MPEP §713.04 and 37 CRF §1.133.

- (A) Application Number : 10/652,862
- (B) Name of Applicant : Francesco Ciovacco, et al.
- (C) Name of Examiner : Lore Janet Ramillano
- (D) Date of Interview : March 5, 2008
- (E) Type of Interview : Telephonic
- (F) Name of Participant(s) : Michael Zazzara, Attorney for Applicant
- (G) Exhibit(s) Used : None
- (H) Claims Discussed : Independent claims 1, 13, 25, and 29
- (I) Specific Prior Art Discussed : None
- (J) Agreement Reached: : Yes.
Agreement was reached that the independent claims 1, 13, 25 and 29 would be allowable if the phrase “and maintaining an atmosphere in the chamber” were deleted from claims 1 and 13, and if the phrase “and wherein an atmosphere is maintained in the chamber” were deleted from claims 25 and 29. The Examiner agreed to make the foregoing changes to the independent claims 1, 13, 25 and 29 through an Examiner’s Amendment.

Conclusion

The foregoing is submitted as full and complete response to the Office Action mailed February 12, 2008. It is believed that the application is now in condition for allowance. Allowance of claims 1-9, 11-21, 23-31 and 33 is respectfully requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless the Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants acknowledge the continuing duty of candor and good faith in the disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

The present application, after entry of this Response, comprises thirty (30) claims, including four (4) independent claims. The Applicants have previously paid for thirty-one (31) claims including four (4) independent claims. The Applicants, therefore, believe that a fee for claims amendment is currently not due.

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account No. **50-1556**.

PLEASE CALL the undersigned attorney at (561) 989-9811, should the Examiner believe a telephone interview would help advance prosecution of the application.

Respectfully submitted,

Date: March 31, 2008

By: /Jose Gutman/
Jose Gutman
Reg. No. 35,171
Attorney for Applicants

FLEIT, KAIN, GIBBONS,
GUTMAN, BONGINI & BIANCO P.L.
551 N.W. 77th Street, Suite 111
Boca Raton, FL 33487-1330
Tel (561) 989-9811
Fax (561) 989-9812